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SPEECH

OF

HON. JOHN A. SEARING,

OF NEW YORK,

ON

THE KANSAS QUESTION;

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, MARCH 20, 1858.

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## SPEECH.

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The House being in the Committee of the Whole on the state of the Union—

Mr. SEARING said:

MR. CHAIRMAN: I rise, sir, surrounded with all the embarrassments that are usually attendant upon the first effort to address a legislative body; and, sir, I feel the position I occupy more sensibly, from the fact that I see around me, in the occupancy of these seats, gentlemen skilled in legislation, versed in the history of the country, and who, from education and experience, are most aptly fitted for the discharge of the high and responsible duties the country has enjoined upon them. But, sir, I bring to the discharge of the duty which my constituents have assigned me, very little legislative experience; I stand here to-day sustained by none of those advantages or influences which the collegiate institutions of my country confer, but springing directly from the ranks of the people, with whom, from my earliest infancy, I have been identified, and fortified only by the confident assurance on their part, that here, in my place in these Halls, I will honestly attempt to give utterance to their sentiments, protect their interests, sustain the honor and dignity of my native State, and by every honorable effort, preserve and perpetuate the harmony, peace, and concord, of all the States of the Federal Union. I shall not, Mr. Chairman, attempt to enter into a long and argumentative debate upon all the points involved in this discussion, but will content myself with assigning some few of the reasons which, in all human probability, will govern my action in the final disposition of this question.

If a stranger to our political history and insti-

tutions should be doomed to listen to all the speeches of our members and Senators, and peruse the many reports, messages, and statistics, relating to Kansas, her organization as a Territory, and her proposed admission as a State in this glorious Confederacy, he would necessarily consider the question as a grand political puzzle, to which there was no beginning and no end; and it would seem impossible for him to gain the thread or clew of this American labyrinth, and to trace and follow out correct and sound conclusions towards its final solution. And, at times, I must confess that the ingenious and special pleadings of the opponents of this measure seem to cover and include the merits of the case. And to clear my mind from doubts as to my own duties in the premises, I have to refresh my own memory upon the history of our country and her institutions prior to any serious agitation upon the subject of slavery, and coolly review the obligations each part of this great nation must preserve to the others, whether those obligations are written in the Constitution and laws that govern us, or are made clearly apparent and necessary by the experience of the past, to preserve our existence as a great Republic, a free and independent nation, indissolubly bound together in the bonds of political concord and union.

Digressing, sir, for a moment from the subject at issue, I would say for myself, as a sort of prologue to my remarks, that I am a Democrat; and, in the application of local adjectives, as used too much in this House, would be called a "northern Democrat." But I cast these local distinctions aside; I am a national Democrat; and I will not vote or speak in this House upon any question

unless I can do so in the capacity of a national legislator. I come here to act for the North and the South alike; to act for my country, and my whole country. I can well recollect of years by-gone, when Maine, Louisiana, Massachusetts, and South Carolina, members and Senators, met in this Capitol, with no objects of legislation but those supported in common by the representatives of the several parties; and those representatives were divided upon the floor of the House and the Senate, not by the number of degrees their homes happened to be from the equator or the north pole, but the Massachusetts Whig and Democrat sat down with the Kentucky Whig or Democrat; and while they differed, in principle and policy, from their Democratic friends of New York and Carolina on the other side, all were actuated by the same national feelings, and sought, in their own way, (by supporting their respective party measures,) to promote the prosperity and advancement of this great nation.

But now, sir, when I am called to act as a legislator for my country, I find that it is only the representatives of one of the great parties of the day that seem to fraternize now as then. The opponents of the Democracy seem to herd themselves together as a party whose boundaries are defined by the compass and chain, and whose principles and policies must be shaped by, and subject to, the passions, prejudices, and interests, of a portion of our people, whose physical constitutions are inured to a latitude north of Mason and Dixon's line; and I find, when a great party measure is to be moved, wherein all our national men should act in concert, and wherein, of old, members and Senators elected as Democrats acted unitedly, that many of those whom the nation trusted for support become weak and helpless, and surrender to this geographical humbug their party fealty. I hope, sir, yet to live to see this state of things changed; to once more realize that, in our national halls of legislation, the terms North, South, East, and West, shall no longer exist, except to designate the bounds of new Territories and States for this glorious Union.

I am not one who fears that this Union is in danger, until I know that a majority of this House and the Senate have forgotten their manhood, their love of liberty and liberal institutions, and forsaken the principles that were taught them by freedom-loving mothers and fathers, and which have been preserved by them as the "*magna charta*" of their future hopes and happiness. And,

sir, should the time come when appearances would betoken this position, I would cling to the hope of preserving the Union still; and would struggle to postpone to the very last year, the last day, and the last hour, such a terrible conclusion to the history of my country.

But to return to the question before us: to understand clearly the merits of this question we must review briefly the position of affairs for a brief period prior and up to the time Kansas became a Territory.

The present Territory of Kansas became American territory in 1803, by the treaty of France, known as the Louisiana treaty. We received this territory under an engagement that it should be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution; and in the mean time the inhabitants should be maintained and protected in the free enjoyment of their liberty, property, and the religion which they professed—"mean time," as I understand it, referring to the time it remained *until* its population and institutions made it suitable to become a sovereign State, when, according to the stipulations on our part, it must be admitted on a footing of perfect equality with the original States. These treaty stipulations bind us, as a nation, with all their original force. To be sure, in 1820, a geographical line of limitation was adopted as to a part of this territory, and was acquiesced in for many years, for the reason that there was no opportunity or necessity of enforcing it or claiming it, unless in the admission of Texas, which came in under another treaty than that. But when it was sought to be applied upon territory acquired by us from Mexico, the North refused to be governed by this limitation; and on the occasion of the admission of the State of California, and the organization of the Territories of New Mexico, Utah, and Washington, the enactment known as the Missouri compromise ceased to be of any binding force, and very properly, too; for believing, as I do, thereby a geographical line between one portion of this great nation and the other, that never should have been established, was virtually repealed, as it then ceased to have any binding virtue upon the North or South, although it stood upon our statute-book—

Mr. OLIN. Did I understand the gentleman to say that either the North or the South understood that the Missouri compromise restriction was repealed by the act of 1850?

Mr. SEARING. I said that virtually it was repealed.

Mr. ATKINS. I will answer the gentleman. It was so understood by Mr. Toombs, of Georgia, and so declared by him in an address to his constituents in 1850.

Mr. SEARING. When the time arrived for the organization of Kansas and *Nebraska*, and although it was virtually repealed before, and was dead and inoperative, still the formal repeal of that enactment was seized upon as a subject of political excitement and agitation in the North, and was perhaps the original corner-stone of the organization of a sectional party in this country, and in my opinion as dangerous and odious a political organization as ever cursed a nation in the world. It owed its conception in opposition to the law of the land, and to the general principles that should govern all our national legislative action. And the history of the Republican party since its organization is just such a history as might be expected from an origin so illegal, unconstitutional and *anti-national* in its character; and the staple articles of its progress have been agitation, opposition to law and order, revolutionary movements, robberies, arsons, murder, and crimes in general, perpetrated and perpetuated under the guise of liberty and freedom. Yet Kansas and Nebraska became a Territory without a geographical line of distinction to determine what their local institutions should be as to the question of slavery; and since then Kansas alone has become the theater where have been played the political comedies and tragedies, prepared for political effect in regions remote from her borders.

The game of the Republican party has been the anti-law-and-order game from the beginning to the present time. They refuse to act and vote unless in the way and at the time prescribed by them as a political party, and then only when they can insure to themselves the whole game. At one time pronouncing the acts of the territorial officials and Legislature as bogus and not binding, and at another recognizing them and acting under them, in the election of officers, just as the move seemed to be the one conducive to their ascendancy. But in the midst of all these erratic movements, a legally constituted Territorial Legislature passed an act to take the sense of the people of Kansas on the subject of forming a State government, and asking admission into the Union. At this election the vote was almost unanimous of the people of Kansas in favor of a convention;

and afterwards the Territorial Legislature, by a two-thirds vote, passed a law providing for the election of delegates to a constitutional convention. Under that law delegates were elected, who met in convention and made this constitution, submitting to the people of Kansas, at a special election, on the 21st of December, 1857, the question whether the *slavery* clause should be stricken out or not. At this election the majority of votes cast were in favor of the constitution as it was passed by the convention; and now this *constitution* comes to us, and the question is, can we refuse to admit Kansas under that constitution or not?

Our opponents say, no; Kansas should not come in as a State until the constitution has been submitted. I answer, it has been submitted by the fact that the people, by almost a unanimous vote, decided and authorized their representatives in the Territorial Legislature to provide by law for a convention of delegates to form this constitution. They said so; and the delegates to that convention were elected by the people to form and frame a constitution, and the constitution framed by them became the constitution and law of Kansas, as far as we are concerned, from the time it was made complete and final by them until the same power, the people, altered that constitution. The convention wisely deemed that the people themselves should finish this constitution by their own act, at a special election on the 21st day of December, 1857, and this was also done; and we have the constitution of Kansas before us, made by their regularly elected representatives and finished by the people themselves. This statement of the matter is, as it appears to me, fully divested of all the *clap trap* attendant circumstances, with which we have, in my opinion, nothing to do; and when it comes to me thus, I can see no other way than to accept it, and enroll Kansas among the States of the *Union*; and with these convictions, my heart and reason are in favor of this course.

But I shall not leave the question, Mr. Chairman, without a due brief consideration of some of the views supported and held by the other side. I do not consider myself so much an orator or a political reasoner, that I wish to take up the time of this House with a lengthy review and reply of all that has been said against the admission of Kansas under this constitution, for much has been said that is unanswerable, because it has no point or force in it. It is of the Buncombe, *spread-*

*eagle* style of argument, that tends more to amuse and confuse men than to convince their reason. In what I have said I have tried to elucidate this question, as it appears to me, without prejudice or passion concerning the circumstances surrounding it; and I will try to answer the main objections to this bill in the same way. The people of any State or Territory have the right to empower others to represent themselves in making constitutions or laws. To deny this would be to deny the sovereignty of the people. Our opponents say the people of Kansas have never delegated their powers to others in this question, nor have they ever expressed their assent in any manner to this Leecompton constitution. It is true, however, that they expressed their will to be that a constitution should be formed. The Territorial Legislature was the only organized body representing the people to make the necessary arrangements to carry their will into effect; and that the convention might represent truly the people, the act provided that between the 1st of March and 1st of April, 1857, a complete list of all qualified voters should be taken and filed in the office of the probate judge, and copies of the lists posted in public places; and from the 1st day of April to the 1st of May, the probate judge should hold court to correct said returns, so that if any were not registered in the returns, they might be added. This list or register of voters was then to be returned to the Governor and Secretary, who upon them made the apportionment of the members of the constitutional convention throughout the Territory.

The qualification of voters at this election of delegates, was, every "*bona fide* inhabitant of Kansas, on the third Monday of June, 1857, being a citizen of the United States, and over twenty-one years of age, and a resident of the county where he offers to vote, for three months prior to said election." This act was a fair one, and well calculated to obtain a fair expression of the people of Kansas. But many refused to be registered: that is, refused to act as citizens in this matter. Here was the first disposition manifested by a portion of the inhabitants of this Territory to refuse to express themselves on this subject. However, over nine thousand were registered and returned, making over three fourths of the voters of the Territory. Governor Walker and Stanton tried to induce the people all to act; but their advice was not heeded. Governor Stanton made the apportionment, and at the election of delegates, the people of Kansas had another opportunity to

express their action on this question; but if reports are true, many refused or neglected so to do.

The convention assembled, duly and legally constituted, and afterwards, as our opponents say, the majority of the people of Kansas expressed no opinion as to the slavery clause in the constitution; and thus a constitution has been made by a convention originating with the people, and from the people; but, as they say, not by the people.

This, I am inclined to think, presents what may be aptly called a political *paradox*. If what our opponents say is true, that this constitution is repugnant to the majority of the people of Kansas, and the majority are opposed to slavery, it presents two points to me: either they were cowardly and were afraid to contest the matter for fear of being beaten, and preferred irregular action; or they were willing that the constitution should be made in this manner, and, by their silence and inaction, gave consent. Either point is conclusive as against them. Our opponents say the *bona fide* voters of Kansas could and might do so and so. If so, why in God's name did they not do it? If they were opposed to a slavery constitution, why did not they vote down the slavery clause? Their neglect or refusal to exercise the power to make or alter this constitution, if they had it, is inexcusable; and I think that if they have had the opportunity, and refused to act, they should have the power again only when they are members of a sovereign State. And this kind of assertions only strengthen us in the conviction that it is time the people of this Union should no longer be vexed and harassed by the internal political partisans and political fights of Kansas; and we should not be obliged to correct their evils, if such exist in her borders, because she is yet a Territory. Make her a State; and if her sons needs must fight, let it be a free one among themselves.

On the other hand, if these Kansas republicans are not as strong as they pretend, and cannot succeed or make a show of strength, except in irregular *guerrilla* political manifestations, that they show great talent in maintaining, then and in such case, this constitution represents the voice of Kansas, and should be received, of course. I cannot for my life see any merits in the opposition to the constitution. It is a mere technical question. If all they say is true, the remedy is in their own hands, and sooner, by being admitted as a State, than in any other mode whatever can it be obtained. It resolves itself into a mere question of political *finesse* or *practice*—one calcu-



lated to prolong these difficulties, and by their increase, and corresponding increase of sectional bitterness, endanger the future of Kansas and the peace and safety of the *Union*.

I have said that the basis of the opposition to this bill was laid in mere technicality. The logic of its opponents is what lawyers call special pleading, and does not go to the merits of the matter at issue. I believe they all profess to wish the speedy admission of Kansas, but object to her admission under this constitution. It is in reality a plea of delay; and if they succeed in defeating this bill, they wish to go back to Kansas for another trial, another *passage at arms* in that distracted Territory, with the whole Union as anxious spectators, and deeply excited in the issues, and new embarrassments will surround the question; and before it shall again come before us for action, this great nation may be convulsed from center to circumference with deep, lasting, and direful agitation. I tell you, Mr. Chairman, in a matter of this kind, "delays are dangerous," perhaps ruinous to the body-politic of this great Union. And we now have it in our power to prevent and provide against these consequences; and if we refuse so to do, we are blind to our duty, careless and indifferent to our obligations as the representatives of a great nation, bound by the conditions of a solemn treaty that they must admit this Territory into their Federal Union as soon as possible, and bound by that treaty and the Constitution of the Union to secure to the inhabitants of this Territory all the rights and privileges of a sovereign State of the Union, which gives them full power to regulate their social institutions as they wish, without let or hindrance or control by the Federal Government.

We have given to the people of this Territory, in general terms in their organic act, the right to act for themselves as to the manner and form they shall present themselves for admission as a State. If I were to act as a legislator of this nation, in organizing a new Territory, I would seek to prevent the troubles of this question by providing in the organic act creating the Territory, for the submission of the constitution, under which they might hereafter seek admission as a State, to a popular vote. But it is too late, in my opinion, now to compel the people of Kansas to do this. If we assume to dictate to them now, as to the manner they shall adopt this constitution before they can become a State, we may also dictate to them what the provisions of that constitution shall

be; and by carrying out this principle still further, there will be no end to the power we may presume to exercise over their action; and thus shall we establish a precedent in the action and power of the Federal Government in direct conflict with the constitutional doctrine and principles that, as a Federal Government, we can exercise no power unless created by the Constitution itself—that all other rights and powers remain with the people themselves; a precedent which, if followed in the future, would be the beginning of a warfare against the sovereign rights of the people as secured by the Constitution; it would be the annihilation of State rights and popular sovereignty; it would centralize in this capital a despotism that might exercise its sway from Maine to Georgia and from the Atlantic to the Pacific. In the French revolution, amid the days stigmatized throughout the world as the "days of terror and blood," when thousands of the wisest, most ardent champions of true popular freedom were led to the scaffold as victims of freedom's vengeance, when our own beloved La Fayette was forced to flee from this deluge of uncontrolled passion and violence, the popular cry of the masses and their leaders, who moved in these terrible scenes, and became the ministers and executioners in this bloody work, was "liberty and equality."

It is said that when Madame Roland, than whom no one was more devoted to the cause of freedom, no one more opposed in every principle and action of her life to tyranny and despotism, was brought to the scaffold of death as a victim to the uncontrolled passions and prejudices of the misguided multitude, the popular cry of "liberty and equality" was heard around this fearful death scene; and on the public square fronting this terrible scene arose the statue of the Goddess of Liberty. Madame Roland raised her eyes towards this statue, and said: "Liberty! oh, Liberty! what horrors are perpetrated in thy name!" And when I hear the Opposition arrayed against this bill, and using as their battle-cry, "popular sovereignty," I think they are misguided and deluded, or they are determined in the wrong and against the right, and are willfully arrayed against the very principles they profess to advocate.

I have been a Democrat all my life, and as such been a close observer of all the tactics of the opposition to the Democracy; and I notice this fact, that when the people have indorsed the conservative action of that great national party, and our opponents have been routed "horse and foot,"



that they seize upon the very principles advocated by the Democracy, and by distorting and misinterpreting them seek to gain their original objects, and build up anew their scattered army.

In 1856, with James Buchanan as our leader-in-chief, we met the combined forces of abolitionism, sectionalism, and all other "isms" that have cursed our country for a quarter of a century; and with "popular sovereignty" as our watchword and principle, we triumphed. And now we have these men here advocating this doctrine in our national Halls of legislation, and by their special pleadings, their misinterpretations of the whole principle, seeking to distract and divide

their opponents, and successfully.

Democrats, will you be deceived and drawn from your high and noble position? It is the same "old coon," only with a new coat of hair. They are doomed to be again disappointed. The national Democracy can spare those of their forces who are weak and trembling, and who have put their hands to the plow and look back. And still they will triumph, and their triumph will be the joy and the pride of the *Union*; for it will be the union of the North and the South, and the East and the West, in stronger bonds than ever; and which, God grant, may be as enduring as time itself.



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